



ZONING BOARD OF APPEALS
Tuesday, September 17, 2019
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Dan Roszkowski
Craig Sockwell
Alicia Neubauer
Maurice Redd
Jennifer Smith
Kim Johnsen

Absent: Tom Fabiano

Staff: Scott Capovilla, Zoning and Land Use Administrator
Lafakeria Vaughn – Assistant City Attorney
Samuel Bellone – Administrative Assistant
Tim Morris – Fire Prevention Coordinator
Jeremy Carter – Traffic Engineer
Karl Franzen – Community and Economic Development Director

Others: Kathy Berg – Court Stenographer
Chad Tuneberg – Third Ward Alderman
Applicants and Interested Parties

Scott Capovilla explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

- The Chairman will call the address of the application.
- The Applicant or Representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Zoning Board of Appeals secretary and the stenographer.
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.

- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party.
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2019, at 5:30 PM in City Council Chambers in this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. This information was also presented in written form attached to the agendas and letters to adjacent property owners.

The meeting was called to order at 5:39 PM. A **MOTION** was made by Jennifer Smith to **APPROVE** the minutes from the August 20, 2019 meeting adding to the minutes for application ZBA 039-19 3445 Elmwood stating, the interested party, Trent Ferguson, had previously represented Our Lady of Sacred Heart Academy. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Kim Johnsen abstaining and Tom Fabiano absent.

ZBA 039-19

Applicant
Ward 12

905 West Riverside Boulevard

Daniel Ray Erb

Special Use Permit for a motor vehicle repair shop not including body work, painting, or commercial vehicle repairs in a C-2 Limited Commercial Zoning District.

The applicant, Daniel Erb, was present. The subject property is located on the northwest corner of West Riverside Boulevard and Normandy Avenue. The neighborhood is a mixture of residential and commercial uses. Mr. Erb stated that he had bought the property. The building was vacant for two (2) or three (3) years. Within that time frame, the property lost the previous Special Use Permit. He intends to open the property as an automotive repair facility. The property's prior use was for an automotive repair facility. Mr. Erb has been working with the City of Rockford Building Staff to obtain the proper permits for taking down a sign and removing a shed. He has also been working on bringing the dilapidated fence into compliance.

Dan Roszkowski asked Mr. Erb if he agreed to the conditions on the staff's recommendation. Mr. Erb said he agreed to the conditions and stated that his architect, Joe Anderson, will get the permits for the dumpster and sign.

Staff Recommendation is for Approval with sixteen (16) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a motor vehicle repair shop not including body work, painting, or commercial vehicle repairs in a C-2 Limited Commercial Zoning District subject to Staff's conditions The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff review and approval.

3. Submittal of a revised site plan addressing the parking and parking lot removal from the right-of-way for Staff's review and approval.
4. Submittal of a revised landscape plan that includes the required shade trees, 10 feet wide perimeter landscaping and required landscaping units along West Riverside Boulevard and Normandy Avenue, a Type B Buffer and trex-board privacy fencing 6 feet in height along the north property line, concrete interior islands and end caps for interior landscaping and building base or foundation landscaping that includes plant species and size for Staff's review and approval.
5. The property be developed as per revised site and landscaping plans.
6. Submittal of a Parking Lot Permit for the parking lot and landscaping work to be completed for Staff's review and approval
7. Submittal of a Dumpster Enclosure Permit for the pre-finished steel panels and gates with a dumpster detail and rendering for Staff's review and approval.
8. Must submit fence elevations for the trex-board privacy fencing 6 feet in height and Fence Permit for Staff review and approval.
9. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
10. That the freestanding sign shall be a landmark-style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
11. Must obtain separate permits for signage and new landmark-style free-standing sign.
12. No outside storage of any auto parts, equipment, materials, or operable/inoperable vehicles.
13. Submittal of building elevations and façade improvements for Staff review and approval.
14. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
15. Window display signage is limited to 20% of window surface area.
16. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A MOTOR VEHICLE REPAIR SHOP NOT INCLUDING BODY WORK,
PAINTING OR COMMERCIAL VEHICLE REPAIRS
IN A C-2 LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 905 WEST RIVERSIDE BOULEVARD**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance, or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage, and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-2 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 5:46 PM.

Respectfully submitted,
Samuel Bellone, Administrative Assistant
Zoning Board of Appeals